

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-206-FDW
3:19-cr-189-FDW-DCK-2**

KATELAND DAWN MYERS,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Petitioner’s *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody, (Doc. No. 1).

Petitioner pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute methamphetamine and methamphetamine actual and one count of distributing and possession with intent to distribute methamphetamine actual, and aiding and abetting the same. (3:19-cr-189 (“CR”) Doc. No. 90). She was sentenced to 151 months’ imprisonment for each count, concurrent, followed by five years of supervised release. (*Id.*). The Judgment was entered on September 10, 2020. (*Id.*). Petitioner did not appeal.


The instant § 2255 Motion to Vacate was docketed on May 4, 2021.¹ Petitioner asserts claims of ineffective assistance of counsel. However, the § 2255 Motion to Vacate is not verified (signed under penalty of perjury). See Rule 2(b)(5), 28 U.S.C. foll. § 2255; 28 U.S.C. § 1746. Petitioner shall, within fourteen (14) days of this Order, verify the § 2255 Motion to Vacate, (Doc. No. 1), using the Verification of Motion to Vacate form supplied with this Order.

¹ Petitioner does not have the benefit of the prisoner mailbox rule because she failed to certify the date upon which she submitted the § 2255 Motion to Vacate to prison authorities for mailing. See Rule 3(d), 28 U.S.C. foll. § 2255 (addressing inmate filing).

Petitioner is cautioned that failure to comply with this Order will likely result in dismissal of this case without further notice.

IT IS, THEREFORE, ORDERED that:

1. Petitioner shall, within **fourteen (14) days** of this Order, verify the Motion to Vacate, (Doc. No. 1), using the Verification of Motion to Vacate form attached to this Order. Petitioner is cautioned that failure to comply with this Order will likely result in this case's dismissal without further notice.
2. The Clerk of Court is instructed to mail a copy of this Order and the attached Verification of Motion to Vacate to Petitioner.


Frank D. Whitney
United States District Judge



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**VERIFICATION OF
MOTION TO VACATE**

Pursuant to Rule 2(b)(5) of the Rules Governing § 2255 Proceedings, I declare (or certify, verify, or state) under penalty of perjury that the § 2255 Motion to Vacate, (Doc. No. 1), which I failed to verify, is true and correct.

Kateland Dawn Myers

Executed on (Date)